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Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Human rights bodies and mechanisms

Cooperation with the United Nations, its representatives and mechanisms in the field of human rights

Report of the Secretary-General*

Summary

The present report is submitted pursuant to Human Rights Council resolution 12/2, in which the Council invited the Secretary-General to submit a report to the Council at its fourteenth session, and annually thereafter, in accordance with its programme of work, containing a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals against the persons referred to in paragraph 1 of the resolution, as well as recommendations on how to address the issues of intimidation and reprisals.

The report contains information gathered from 16 June 2013 to 31 May 2014 and highlights relevant statements and efforts made by various stakeholders in relation to intimidation and reprisals. It contains allegations of reprisals against persons who have cooperated with the United Nations, its representatives and mechanisms in the field of human rights and follow-up information regarding situations mentioned in previous reports. It provides recommendations with a view to addressing and preventing cases of intimidation and reprisal.

* Late submission.

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I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 12/2, in which the Council invited the Secretary-General to submit an annual report to the Council on alleged reprisals for cooperation with the United Nations, its representatives and mechanisms in the field of human rights. Since the adoption of that resolution, I have reported on the latest developments within the United Nations system in relation to acts of intimidation and reprisal by States and non-State actors vis-à-vis individuals and groups for their cooperation with the United Nations human rights mechanisms, and alleged cases that cover a wide range of violations, from threats, travel bans and arbitrary detention to torture and, sadly, death. I have repeatedly stated that such acts are unacceptable and undermine the functioning of the United Nations as a whole, including that of its human rights mechanisms.

2. I welcome General Assembly resolution 68/181 of 18 December 2013 on promotion of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms: protecting women human rights defenders, in which the Assembly called upon States to refrain from, and ensure adequate protection against, any act of intimidation or reprisal against women human rights defenders who cooperate, have cooperated or seek to cooperate with international institutions and reaffirmed the right of everyone to unhindered access to, and communication with, international bodies, in particular the United Nations and its human rights mechanisms.[1] I also welcome General Assembly resolution 68/268 of 9 April 2014on strengthening and enhancing the effective functioning of the human rights treaty body system, in which the Assembly condemned all acts of intimidation and reprisals against individuals and groups for their contribution to the work of the human rights treaty bodies and urged States to take appropriate action.[2]

3. In its resolution 24/24 of 27 September 2013 on cooperation with the United Nations, its representatives and mechanisms in the field of human rights, the Human Rights Council urged States to take preventive steps against reprisals, ensure accountability once they had occurred and encouraged States to establish national focal points. It also requested me to designate a United Nations-wide senior focal point on reprisals.[3] Consideration of and action on Council resolution 24/24 was deferred by the General Assembly to allow time for further consultations, with the Assembly deciding to conclude its consideration of the resolution before the end of its sixty-eighth session.[4] On 19 March 2014, at the twenty-fifth session of the Human Rights Council, Botswana made a statement on behalf of 54 countries, stressing the need to address reprisals and expressing the hope that Council resolution 24/24 would be followed through at the General Assembly.[5] The Council adopted other resolutions addressing the issue of reprisals, including resolution 24/7 on arbitrary detention[6] and resolution 24/21 on civil society space: creating and maintaining, in law and in practice, a safe and enabling environment.

4. On several occasions during the reporting period, I expressed grave concern about reprisals, including during the high-level segment of the Human Rights Council on 3 March

[1] General Assembly resolution 68/181, paras. 17–18.
[2] General Assembly resolution 68/268, para. 8.
[3] Human Rights Council resolution 24/24, para. 7.
[4] General Assembly resolution 68/144, paras. 2–3.
[5] General debate on agenda item 5, statement delivered by Botswana, available from http://webtv.un.org.
[6] Human Rights Council resolution 24/7, para. 10.

2014 and during a panel discussion on the protection of civil society on 11 March 2014. At the latter event, the Deputy High Commissioner for Human Rights and I stressed the fact that civil society is an indispensable partner of the United Nations and indicated that civil society actors must be able to do their work freely, independently and safe from fear, retaliation or intimidation. In his concluding remarks at the end of the twenty-fifth session, the President of the Human Rights Council condemned reprisals and acts of intimidation, emphasizing that all measures must be taken to prevent such unacceptable acts.[7]

5. During the High-Level Event on Supporting Civil Society, on 23 September 2013, the Deputy Secretary-General, on my behalf, expressed concern at the growing pressures and restrictions facing civil society in many countries, including through the introduction of new legislation.[8] I wish to reiterate the concerns raised in last year's report that new laws and regulations have made the receipt of funds from abroad, including from the United Nations Voluntary Fund for Victims of Torture and the United Nations Voluntary Fund on Contemporary Forms of Slavery, more difficult for some non-governmental organizations (NGOs).[9] Such difficulties persisted in the period covered by the present report in at least four countries. In some cases, restrictive regulations may prevent civil society representatives accessing United Nations human rights mechanisms.

6. During the 2013 annual meeting of special procedures mandate holders, the Chair of its Coordination Committee reported that several special procedures had raised the subject of reprisals during their interactive dialogues with the Human Rights Council and that he had discussed the issue with several stakeholders, asking them to maintain a strong stance on reprisals.[10] On 10 December 2013, in a joint statement, special procedures mandate holders expressed serious concern at acts of reprisal against anyone cooperating with them and stated that they were looking forward to the designation of the focal point on reprisals.[11] The Special Rapporteur on the situation of human rights defenders indicated in her latest report to the Council that during her tenure she had sent out approximately 50 communications on cases of reprisals.[12] In November 2013, the Committee on Enforced Disappearances and the Working Group on Enforced or Involuntary Disappearances issued a joint statement making clear that they were vigilant with respect to any form of intimidation and reprisals and welcoming the decision of the Council to request the Secretary-General to designate a United Nations-wide senior focal point.[13]

7. On 16 December 2013, the Committee against Torture set out a procedure for reacting to alleged reprisals on the basis of article 13 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.[14] At its fifth session, in November 2013, the Committee on Enforced Disappearances appointed a rapporteur on reprisals[15] and issued a document on the relationship of the Committee with civil society actors, which refers to reprisals.[16]

8. The Committee on Non-Governmental Organizations considers applications for consultative status with the Economic and Social Council. At its resumed session, in May 2014, the Committee had before it 343 applications for consultative status, including

[7] Office of the United Nations High Commissioner for Human Rights (OHCHR) press release, 28 March 2014.
[8] United Nations press release, 23 September 2013 (SG/SM/15314).
[9] A/HRC/24/29, para. 12.
[10] A/HRC/24/55, para. 15.
[11] OHCHR press release, 10 December 2013.
[12] A/HRC/25/55, para. 42.
[13] A/69/56, annex VI.
[14] CAT/C/51/3.
[15] A/69/56, para. 10 (f).
[16] CED/C/3, paras. 25–26.

applications deferred from earlier sessions. The Committee recommended 158 NGOs for consultative status, deferred consideration of the applications of 153 others until its regular session in 2015, closed consideration of 29 applications without prejudice and took note of the withdrawal of the applications of two NGOs.[17] Consultative status confers access to the United Nations and many of its mechanisms and several stakeholders have raised concerns about the large number of deferrals and perceived lack of transparency in decisions on consultative status. I note how important it is that the Committee applies the criteria for assessing NGOs in a transparent and fair manner.

9. I reiterate my view that a consistent approach by all regional and international human rights bodies vis-à-vis reprisals and intimidation is essential. In this context, I welcome the adoption of resolution 273 by the African Commission on Human and Peoples' Rights at its fifty-fifth session, held from 28 April to 12 May 2014, in which it decided to extend the scope of the mandate of the Special Rapporteur on human rights defenders in Africa to include issues relating to reprisals against human rights defenders cooperating with the African human rights system.

II. Information received on cases of reprisal for cooperation with the United Nations, its representatives and mechanisms in the field of human rights

A. Methodological framework

10. In accordance with Human Rights Council resolution 12/2, the present report contains information regarding acts of intimidation or reprisal against those who:

- Seek to cooperate, or have cooperated with, the United Nations, its representatives and mechanisms in the field of human rights, or who have provided testimony or information to them
- Avail or have availed themselves of procedures established under the auspices of the United Nations for the protection of human rights and fundamental freedoms, and all those who have provided legal or other assistance to them for that purpose
- Submit or have submitted communications under procedures established by human rights instruments, and all those who have provided legal or other assistance to them for that purpose
- Are relatives of victims of human rights violations or of those who have provided legal or other assistance to victims

11. The present report covers the period from 16 June 2013 to 31 May 2014. The information received has been verified with the primary sources and corroborated by other sources. In most cases, reference is made to the public United Nations documentation in which the information included in the present report was first published. Follow-up information, including relevant correspondence, is included on those cases in which victims of intimidation or reprisals for cooperation with the United Nations, its representatives and mechanisms in the field of human rights were mentioned in my previous two reports.

12. It should be stressed that the cases included in the present report are only the tip of the iceberg. In line with the principle of do no harm, some cases have not been included

[17] E/2014/32 (Part II).

because of concern that the alleged victims might be subjected to further acts of harassment, intimidation or reprisal if their complaints were published.

13. Information has been received about acts of intimidation and reprisals following cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR), including its field presences, the Human Rights Council, special procedures, human rights treaty bodies, the universal periodic review mechanism, the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea, the Independent International Commission of Inquiry on the Syrian Arab Republic and human rights components of United Nations peace missions.

B. Summary of cases

1. Algeria

14. On 28 June 2013, three special rapporteurs raised allegations of acts of intimidation and reprisals against Yahia Bounouar, an independent journalist and President of the Algerian Observatory for Human Rights, for documenting and submitting information on human rights violations against human rights defenders, bloggers and trade unionists to several special procedures.[18] On 23 May 2013, following his coverage of the In Amenas hostage crisis, Mr. Bounouar, who had been under surveillance since the establishment of the Observatory in July 2012, was reportedly detained for several hours by State security officials at Constantine airport without being informed of the reason. At the time of finalization of the present report, no reply had been received from the Government.

2. Cameroon

15. Several members of the Mbororo Social and Cultural Development Association were allegedly subjected to reprisals following the submission of their report to the United Nations in relation to the second universal periodic review of Cameroon.[19] On 1 July 2012, an assassination attempt against Mr. Jeidoh Duni, legal representative of the Association, was reported. After they had acted as witnesses in the investigation of that incident, Mr. Duni and five other members of the Association, Adamou Isa, Sali Haman, Dahiru Beloumi, Njawga Duni and Musa Usman Ndamba, were summoned to appear before the military tribunal of Bafoussam on 23 April 2013, for illegal possession of firearms. On 10 May 2013, Mr. Ndamba, Vice-President of the Association, appeared before the Court of First Instance in Bamenda on the charge of spreading false information. His trial was first adjourned to 27 May 2013, then to 19 August 2013. At the time of finalization of the present report, no reply had been received from the Government to the joint communication sent on 4 September 2013 by five special procedures mandate holders.

16. Reports were received by special procedures of the murder of a human rights defender and a journalist, and intimidation and reprisals against several others defending the rights of lesbian, gay, bisexual, transgender and intersex people, in relation to their participation in the second universal periodic review of Cameroon. On 5 July 2013, the Director of the Cameroonian Foundation for AIDS, who had contributed to the report of Human Rights Watch that had addressed recommendations to the second review of Cameroon, was found dead at his home in Yaoundé. Although the police opened an investigation, no crime scene investigation or autopsy had reportedly been carried out. Subsequently, three colleagues of the deceased were detained in relation to the investigation. In the month preceding the murder, a series of burglaries and arson attacks

[18] A/HRC/25/74, case DZA 3/2013.
[19] A/HRC/25/74, case CMR 4/2013.

had been reported on buildings of persons and organizations working with the Foundation on lesbian, gay, bisexual, transgender and intersex rights, including Alternatives-Cameroun.[20] At the time of finalization of the present report, no reply had been received from the Government to the joint communication sent on 13 August 2013 by a group of special procedures mandate holders.

3. China

17. From mid-July 2013 onward, four joint urgent appeals were sent and two press releases issued by several United Nations human rights experts regarding Cao Shunli, a prominent Chinese human rights lawyer who had been campaigning for transparency and greater participation of civil society in the universal periodic review of China.[21] Since December 2008, a group of human rights activists, including Ms. Cao, Chen Jianfang and Peng Lanlan, had been requesting the Chinese authorities to allow their participation in the preparation of the national report of China for its first and later its second universal periodic review. Ms. Peng was detained in August 2012 and charged with obstructing official business on 8 June 2013. On 18 June 2013, approximately 150 activists demanding civil society participation in the review process started a sit-in outside the Ministry of Foreign Affairs. On 1 July 2013, the police detained many of the protestors. On 14 September 2013, while boarding a flight to Geneva to attend a training session on United Nations human rights mechanisms, Ms. Cao was reportedly stopped and transferred to an unknown location by security agents. A number of other human rights activists and lawyers from several Chinese cities were reportedly interrogated and warned in connection with the training programme. They included Ms. Chen, who was stopped from boarding a flight to Geneva at Baiyun International Airport.

18. On 21 October 2013, five weeks after she was first taken into custody and one day before the consideration of China by the Working Group on the Universal Periodic Review, the authorities confirmed that Ms. Cao had been detained at Chaoyang District Detention Centre. Ms. Cao's health deteriorated progressively. Medication for her liver condition was reportedly taken away and a medical examination, conducted at the request of her lawyer on 18 November 2013, confirmed that she had tuberculosis in her lungs, liver effusion and uterine myomas and cysts. Her lawyer applied for medical parole several times, which was reportedly orally denied by officials of the detention centre. Ms. Cao died on 14 March 2014.[22] At the time of finalization of the present report, the Government of China had replied to three communications, sent on 23 September 2013, 7 January 2014 and 24 January 2014 respectively, indicating that careful investigations into those cases had shown that the information contained in the communications was not consistent with the facts.[23]

19. On 5 May 2014, several special procedures mandate holders raised the case of Ge Zhihui.[24] In early 2014, Ms. Ge, a petitioner assisting other petitioners in seeking justice for the demolition of their homes, participated in a training course outside China on United Nations human rights mechanisms. After her return, on 1 March 2014, Ms. Ge was arrested at her home in Beijing by agents of the Fengtai District Public Security Bureau, detained at Fengtai District Detention Centre and allegedly subjected to ill-treatment and torture, which led to her being hospitalized on two occasions. Although she had been charged with, inter alia, creating a disturbance, the interrogations in detention reportedly focused on Ms. Ge's

[20] A/HRC/25/74, case CMR 3/2013.

[21] A/HRC/25/74, cases CHN 6/2013, CHN 11/2013 and CHN 13/2013; A/HRC/27/72, case CHN 2/2014; and OHCHR press releases of 16 October 2013 and 18 March 2014.

[22] Daily press briefing by the Office of the Spokesperson for the Secretary-General, 19 March 2014.

[23] A/HRC/25/74, cases CHN 6/2013, CHN 11/2013 and CHN 13/2013.

[24] A/HRC/27/72, case CHN 6/2014.

visit to Ms. Cao in hospital and her participation in the training course. At the time of finalization of the present report, no reply had been received from the Government to the joint communication sent.

20. On 18 March 2014, Ti-Anna Wang, the daughter of Wang Bingzhang, founder of the overseas Chinese Democratic Movement and imprisoned since July 2002, testified under agenda item 4 of the twenty-fifth session of the Human Rights Council on the situation of human rights in China in general, and on the detention of her father specifically. The following day, prior to the scheduled adoption of the second universal periodic review report of China, an individual wearing a badge of the China Association for Preservation and Development of Tibetan Culture took photographs of Ms. Wang, her computer screen and belongings. United Nations security officers escorted the individual from the room where the Council session was taking place. The individual's ground pass was subsequently withheld for the rest of the session.[25] At the time of finalization of the present report, no reply had been received from the Government to a joint communication sent by several special procedures mandate holders.

4. Cuba

21. During the fifty-fifth session of the Committee on the Elimination of Discrimination against Women, Laritza Diversent and Yaremis Flores, two representatives of the NGO Cubalex, were reportedly subjected to harassment, intimidation and reprisals. As they arrived at Geneva airport on 7 July 2013, an individual, later identified as a staff member of the Permanent Mission of the Republic of Cuba to the United Nations Office at Geneva and other international organizations in Switzerland, took pictures of them without permission, telling them that he knew who they were. The following day, during a private NGO briefing, members of NGOs allegedly linked to the Government of Cuba harassed and insulted Ms. Diversent and Mr. Flores. The same individual who had photographed them at the airport took pictures of them during the Committee's informal public NGO briefing, saying, among other things, "I know what they are doing". The Chair of the Committee and four special rapporteurs drew attention to those events in separate letters,[26] to which the Government of Cuba replied on 29 July 2013 and 19 August 2013 respectively. In its reply to the special rapporteurs, the Government provided detailed information on the case and rejected the allegations.[27]

5. Democratic People's Republic of Korea

22. The work of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea was hampered as a result of fear of reprisals against anyone cooperating with the Commission, or their relatives still residing in the country. The fear of reprisals was experienced by alleged victims, experts on the situation in the Democratic People's Republic of Korea, aid workers, journalists and diplomats. As a result, the Commission heard publicly only from alleged victims and witnesses who had no close family left in the country and were otherwise deemed not to be at too high a risk.[28] The Democratic People's Republic of Korea, via its official news agency, described the testimonies before the Commission as "slander" against the Democratic People's Republic of Korea, put forward by "human scum".[29]

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[25] A/HRC/27/72, case CHN 4/2014.

[26] A/HRC/25/74, case CUB 4/2013.

[27] Ibid.

[28] A/HRC/25/63, para. 19, and A/HRC/25/CRP.1, paras. 34, 51, 53, 58 and 59.

[29] Oral update by the Chair of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea, twenty-fourth session of the Human Rights Council, Geneva, 16 September 2013.

6. Egypt

23. On 24 December 2013, several special procedures mandate holders raised allegations of intimidation and reprisals by Egyptian State security forces against representatives of the Egyptian Centre for Economic and Social Rights, in the form of a raid and arrests, for their cooperation with the Committee on Economic, Social and Cultural Rights and the universal periodic review of Egypt.[30] On 18 December 2013, around midnight, more than 60 police officers and security agents reportedly raided the offices of the Centre, holding staff at gunpoint. After damaging equipment and confiscating several laptops, officers arrested and blindfolded Mostafa Eissa, Head of the Documentaries Unit, Mahmoud Bilal, a lawyer at the Centre, Mohamed Adel, a volunteer, and three other staff members. The following morning, all of them, except Mr. Adel, were released and their property returned to them. It is alleged that during their detention, the men were blindfolded and handcuffed, were forced to stand and were beaten. On 22 December 2013, Mr. Adel was sentenced to three years' imprisonment and a fine of 50,000 Egyptian pounds (approximately US$ 7,000), allegedly in relation to his participation in a peaceful protest on 26 November 2013. A reply to the allegations was received on 14 March 2014, in which the Government indicated that the legal measures taken by the security forces in connection with the arrest of Mr. Adel had no connection with the Centre or its managers.[31]

24. On 16 September 2013, three special rapporteurs raised allegations of reprisals against Ahmed Mefreh Ali Elsaeidy, country representative in Egypt of Alkarama, tasked with gathering information about alleged human rights violations in the country for submission to the United Nations human rights mechanisms.[32] On 1 September 2013, an arrest warrant was reportedly issued against Mr. Elsaeidy, accusing him of being a member of an armed organization. On 6, 7 and 8 September 2013, officers of the State Security Investigation Service and the Central Security Forces reportedly visited Mr. Elsaeidy's house, intimidated his wife and young son, and searched the property. At the time of finalization of the present report, no reply had been received from the Government.

7. Israel

25. Issa Amro, founder of Youth Against Settlements and winner of the 2010 OHCHR Human Rights Defender of the Year in Palestine award, delivered two statements to the Human Rights Council at its twenty-third session, on 10 June 2013, and participated in a side event entitled "Human rights in Palestine" on 11 June 2013. On 8 July 2013, after his return to the country, Israeli soldiers confiscated Mr. Amro's passport and transferred him to the Israeli military police station in Hebron, where he was beaten until he collapsed, threatened with death and left handcuffed and lying on a stretcher for several hours before being taken to hospital. Mr. Amro was summoned to appear at the police station the next day and interrogated for several hours. On 25 July 2013, at least 12 Israeli soldiers allegedly invaded the Youth Against Settlements centre and harassed the persons present. The following day, Mr. Amro and three others were shot at in front of the centre and two days later several olive trees in the vicinity of the centre were set on fire.[33] At the time of finalization of the present report, no reply had been received from the Government to a joint communication sent on 2 August 2013 by a group of special procedures mandate holders.

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[30] A/HRC/26/21, case EGY 19/2013.

[31] Ibid.

[32] A/HRC/25/74, case EGY 14/2013.

[33] A/HRC/25/74, case ISR 7/2013.

8. Kenya

26. In early July 2013, police officers requested over 20 families of persons who had disappeared in the context of a joint operation by the military and police known as "Okoa Maisha" against the Sabaot Land Defence Force in March and April 2008, in the Mount Elgon District of Kenya, to report to the police station. The police allegedly questioned the families about their engagement with United Nations human rights mechanisms in Geneva, and compelled them to sign written statements, the contents of which they were not allowed to read. On 5 July 2013, a local NGO issued a press release calling for investigations into the reported harassment and for protection of the families. Subsequently, several members of the NGO were subjected to harassment by and threats from the police. Some of the military personnel who were allegedly responsible for the disappearances were reported to have been redeployed to the area, causing families of victims to feel intimidated. Following those events, at least 28 families reportedly left their houses for fear of reprisals.[34] At the time of finalization of the present report, no reply had been received from the Government of Kenya to a joint communication sent on 31 July 2013 by a group of special procedures mandate holders.

27. On 17 September 2013, in Bungoma in the Western Province of Kenya, Peter Wanyama Wanyonyi, a human rights lawyer, was shot dead by unknown gunmen as he was returning home from a meeting. Mr. Wanyonyi had reportedly been assisting with documenting the above-mentioned cases of enforced disappearance, a number of which were transmitted to the Working Group on Enforced or Involuntary Disappearances.[35] At the time of finalization of the present report, no reply had been received from the Government to a joint communication sent on 26 September 2013 by a group of special procedures mandate holders.

9. Malaysia

28. On 22 January 2014, four special procedures mandate holders raised allegations of reprisals against the Coalition of Malaysian Non-Governmental Organizations (COMANGO), which had made submissions for the universal periodic review of Malaysia.[36] Following the launch of an online forum entitled "Facing the threat of liberalism and Shi'ites" on 2 October 2013, COMANGO began to receive threats daily, including from government officials. In November 2013, Ikatan Muslimin Malaysia allegedly distributed 70,000 leaflets on the "masterminds" behind COMANGO which included their images, and announced that it would launch a nationwide campaign against them. On 20 November 2013, the Minister for Islamic Affairs stated in an opening speech at the Forum on Universal Fundamental Rights that human rights as espoused by the Universal Declaration of Human Rights might cause discordance in the society. On 8 January 2014, the Ministry of Home Affairs issued a press statement declaring COMANGO illegal. The United Nations High Commissioner for Human Rights, through her spokesperson, expressed concern about what "appears to be an act of reprisal"[37] and called upon the Government to ensure that civil society can conduct its legitimate activities without intimidation or harassment. At the time of finalization of the present report, no reply had been received from the Government.

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[34] A/HRC/25/74, case KEN 3/2013.

[35] A/HRC/25/74, case KEN 5/2013.

[36] A/HRC/26/21, case MYS 1/2014.

[37] OHCHR press briefing notes on South Sudan, Malaysia and Myanmar, 10 January 2014.

10. Pakistan

29. Following a meeting with the Working Group on Enforced or Involuntary Disappearances during its visit to Pakistan in September 2012, Nasrullah Baloch, Chair of Voice for Baloch Missing Persons, and his Vice-Chair, received threats from one or several unknown individuals. When they attempted to register a First Information Report with the police, the station house officer reportedly refused to act. After families of disappeared persons had launched a march from Quetta to Islamabad to raise awareness about enforced disappearances on 27 October 2013, two of Mr. Baloch's brothers were reportedly beaten and warned by personnel of State intelligence agencies that he should stop his activities. In March 2014, after attending a hearing at the Supreme Court in Islamabad, Mr. Baloch was also threatened by personnel of State intelligence agencies. The Government acknowledged receipt of a joint communication sent by seven special procedures mandate holders by letter dated 4 April 2014.[38]

11. Saudi Arabia

30. In my previous reports, I voiced concern over alleged reprisals against members of the Saudi Association for Civil and Political Rights.[39] On 22 May 2013, Fawzan Mohsen Awad Al-Harbi, a prominent member of the Association, who had contributed to the submission of cases of arbitrary detention, torture and ill-treatment to the United Nations human rights mechanisms, was reportedly stopped by airport authorities from boarding a flight to Geneva to attend a human rights conference. In July 2013, Mr. Al-Harbi was asked to sign a pledge to terminate the Association, which he refused to do. On 26 December 2013, Mr. Al-Harbi was arrested and detained at the Al Malaz prison in Riyadh and charged with, among other things, co-founding an unlicensed organization and ignoring judicial decisions ordering its dissolution.[40] At the time of finalization of the present report, no reply had been received from the Government to a joint communication sent on 3 February 2014 by several special procedures mandate holders.

12. Sri Lanka

31. At the end of her visit to Sri Lanka in August 2013, the United Nations High Commissioner for Human Rights expressed concern at allegations of harassment and intimidation against a number of individuals linked with her visit and urged the Government of Sri Lanka to issue immediate orders to end that treatment.[41] In her report to the Human Rights Council at its twenty-fifth session, to which the Government submitted an extensive reply,[42] the High Commissioner indicated that reports continued to be received of widespread harassment and intimidation targeting human rights defenders, activists, lawyers and journalists for having cooperated with the High Commissioner and her office during her visit to the country.[43] At the same session, the Council adopted resolution 25/1 on promoting reconciliation, accountability and human rights in Sri Lanka, in which it expressed serious concern at the continuing reports of reprisals.

32. On 10 February 2014, allegations of intimidation and reprisals, including death threats, were raised concerning members of the National Fisheries Solidarity Movement, including in connection with the visit of the High Commissioner. On 7 March 2013, Jude Besil Sosai Anthirai was prevented from travelling to Colombo to the United Nations

[38] A/HRC/27/72, case PAK-4/2014.
[39] A/HRC/24/29, paras. 32 and 42.
[40] A/HRC/26/21, case SAU 1/2014.
[41] OHCHR press release, 31 August 2013.
[42] A/HRC/25/G/9.
[43] A/HRC/25/23, para. 21.

compound, where he wished to submit a petition. On 22 August 2013, Sanja Sandanadas was questioned at her home by officers from the Criminal Investigation Department about her work and told not to organize any event during the visit of the High Commissioner. On 3 September 2013, Selvakumar Krishnapillai was questioned several times by two men about a petition presented to the High Commissioner; two days later he was asked to report to the Ministry of Defence.[44] At the time of finalization of the present report, no reply had been received from the Government to a joint communication sent by several special procedures mandate holders.

33. On 21 March 2014, a group of special procedures mandate holders sent a joint communication regarding allegations that, on 6 March 2014, in its English news bulletin, the State-controlled Sri Lanka Rupavahini (TV) Corporation accused 24 civil society organizations of having issued a joint civil society memorandum to the Human Rights Council and the international community, while broadcasting the full names and images of the leaders of nine of those organizations and the names of affiliated civil society organizations. In the same bulletin, the Corporation allegedly also accused the mentioned organizations of having submitted false information to the international community to discredit the country, claimed that their memorandum would damage the peace and reconciliation prevailing in the country among various ethnic groups and regions and stated that it was common among NGOs to exaggerate information about the situation in Sri Lanka in order to receive funding.[45] At the time of finalization of the present report, no reply had been received from the Government.

34. Visuvalingam Kirupaharan, General Secretary of the Tamil Centre for Human Rights, was reportedly threatened during the twenty-fifth session of the Human Rights Council. On 21 March 2014, Mr. Kirupaharan participated in a side event on human rights in Sri Lanka, organized by the International Buddhist Foundation. After the event, a journalist, reportedly from the Sri Lankan newspaper *Divaina*, approached Mr. Kirupaharan, stating that he could not return to Sri Lanka and that he would face consequences if he did so. The journalist allegedly told Mr. Kirupaharan that photographs of him at the Council would be published in newspapers in Sri Lanka.[46] At the time of finalization of this report, no reply had been received from the Government to a joint communication sent on 27 March 2014 by three special procedures mandate holders.

13. Syrian Arab Republic

35. On 28 June 2013, several special procedures mandate holders raised allegations of reprisals against Khalil Matouk, Director of the Syrian Centre for Legal Studies, and Mohammed Thatha, a member of the same Centre.[47] Mr. Matouk had submitted information to special procedures on cases of grave human rights violations, including one relating to a number of individuals arrested during a raid on the offices of the Syrian Centre for Media and Freedom of Expression (see para. 44 below). Mr. Matouk and Mr. Thatha were reportedly arrested on 2 October 2012. Contrary to official statements, Mr. Matouk has reportedly been kept in incommunicado detention at an Air Force Intelligence branch since March 2013 and his health has deteriorated. Mr. Thatha reportedly remains detained. On 31 March 2014, a reply to the joint communication sent by the special procedures mandate holders was received from the Government, which did not refer to the cases of Mr. Matouk and Mr. Thatha.[48]

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[44] A/HRC/26/21, case LKA 2/2014.
[45] A/HRC/27/72, case LKA 4/2014.
[46] A/HRC/27/72, case LKA 5/2014.
[47] A/HRC/25/74, case SYR 3/2013.
[48] A/HRC/27/72, case SYR 3/2013..

14. Tajikistan

36. The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment received information on allegations of reprisals committed against individuals who met with him or otherwise cooperated with him during and after his visit to the country in May 2012, despite an agreement he had concluded with the Government that such acts were unacceptable. During his follow-up visit to the country in February 2014, he urged the Government to take all necessary measures to prevent acts of intimidation and reprisal against anyone who sought to cooperate or had cooperated with his mandate, and stated that he expected no allegations to be received by the mandate after his follow-up visit.[49]

15. United Arab Emirates

37. Osama Al-Najjar is an activist and blogger, and son of Mr. Hossain Al-Najjar, who was tried in a case referred to as "UAE 94" mentioned in my previous report.[50] The Working Group on Arbitrary Detention recently adopted opinion 60/2013 on UAE 94 (see para. 45 below). Mr. Al-Najjar met with the Special Rapporteur on the independence of judges and lawyers during her visit to the country between 28 January and 5 February 2014. On 17 March 2014, the day after Mr. Al-Najjar had allegedly expressed criticism via Twitter in relation to the broadcasting of a radio interview with the Ruler of the Sharjah Emirate, he was taken by a dozen men and transferred to a secret detention centre controlled by State security services. It is alleged that he was interrogated and tortured for four days and that a request by the detention centre's doctor to transfer him to hospital because of severe bleeding was denied. On 21 March 2014, Mr. Al-Najjar was reportedly transferred to Al-Wathba prison in Abu Dhabi and charged with, inter alia, spreading false information.[51] In a response received on 13 May 2014 to a joint communication sent on 16 April 2014 by several special procedures mandate holders, the Government requested a two-week extension to allow the competent authorities to complete their full investigation into the case. However, at the time of finalization of the present report, no further response had been received.[52]

38. On 20 June 2013, a group of special procedures mandate holders raised allegations of acts of intimidation and reprisal against Ahmed Mansoor, a blogger and member of the Human Rights Watch Middle East and North Africa Advisory Committee, following his participation by means of a video statement in a side event during the second universal periodic review of the United Arab Emirates.[53] Mr. Mansoor was reportedly prevented from attending the second review of the United Arab Emirates in person as his passport had been confiscated by the authorities. He has allegedly been under surveillance, his e-mail account has been accessed without authorization and he was physically attacked twice, including on the day his video statement was shown at the side event. At the time of finalization of the present report, no reply had been received from the Government.

16. Viet Nam

39. On 19 May 2014, four special procedures mandate holders raised allegations of acts of intimidation and reprisal against Le Cong Cau, head of the Buddhist Youth Movement.[54]

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[49] OHCHR press release, 12 February 2014, available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14245&LangID=E.

[50] A/HRC/24/29, para. 39.

[51] A/HRC/27/72, case ARE 3/2014.

[52] Ibid.

[53] A/HRC/25/74, case ARE 3/2013.

[54] A/HRC/27/72, case VNM 7/2014.

Mr. Cau had participated by means of an audio message at a side event called "Banned civil society voices" on 4 February 2014, before the universal periodic review of Viet Nam had taken place. Mr. Cau had been under surveillance since March 2013 and had been detained on 1 January 2014 on suspicion of carrying terrorist materials as he was boarding a plane for Ho Chi Minh City and placed under house arrest. Although he had reportedly been told orally that he could travel freely within the country, Mr. Cau was rearrested on 16 February 2014 and taken to Truong An district police station, where he was interrogated about his audio message at the side event. On 14 April 2014, Mr. Cau was informed by an official of the Thua Thien-Hue police that he would remain under house arrest for the duration of the investigation of his case. At the time of finalization of the present report, no reply had been received from the Government.

40. Pham Chi Dung, a journalist, writer and independent analyst, was reportedly prevented from travelling to Geneva to participate in a side event convened on 4 February 2014 in connection with the universal periodic review of Viet Nam. On 30 January 2014, Mr. Dung was visited at his home by three officers of the People's Security Forces, who expressed concern about his scheduled trip to Geneva. Mr. Dung was invited to appear at the Ho Chi Minh Police Department on 1 February 2014, which he declined to do. As he checked in for his flight to Geneva at Ho Chi Minh International Airport on 1 February 2014, Mr. Dung was stopped by two security officers, who confiscated his mobile phone and passport, and informed him that he was barred from leaving the country. Approximately one hour later, Mr. Dung was allowed to return home, but his passport was not returned.[55] A reply to a joint communication sent on 31 March 2014 by three special procedures mandate holders was received on 11 July 2014 from the Government, in which it stated that the allegations were inaccurate and that preventing Mr. Dung from boarding the flight to Geneva did not relate to his legal human rights activities.[56]

C. Follow-up information on cases included in previous reports

1. India

41. The case of Teesta Setalvad, Secretary of Citizens for Justice and Peace, which provides legal support to the victims of the Gulbarg Society massacre, was mentioned in the 2011 report on cooperation with the United Nations, its representatives and mechanisms in the field of human rights.[57] A reply was received on 27 July 2011, in which the Government stated that it had examined the matter and it would be inappropriate to comment since the matter was sub judice.[58] On 4 January 2014, officials from the Gujarat Crime Branch reportedly filed a First Information Report against Ms. Setalvad and Javeed Anand, editor of the magazine *Communalism Combat*, allegedly for embezzlement of a large sum of money provided for the construction of the Gulbarg Society massacre memorial. They were subsequently charged with several offences including criminal conspiracy. On 10 January 2014, Ms. Setalvad and Mr. Anand were reportedly granted interim bail by the Bombay High Court, which observed that Ms. Setalvad had been falsely implicated in the past. The hearing was reportedly adjourned to 23 April 2014.[59] At the time of finalization of the present report, no reply had been received from the Government to a joint communication sent on 11 April 2014 by three special procedures mandate holders.

[55] A/HRC/27/72, case VNM 5/2014.
[56] Ibid.
[57] A/HRC/18/19, paras. 42-47.
[58] A/HRC/18/51, case IND 5/2011.
[59] A/HRC/27/72, case IND 3/2014.

2. Morocco

42. Ali Aarrass, whose case was mentioned in my previous report,[60] has reportedly continued to be subjected to acts of intimidation and reprisal. After his prison cell had been searched and his personal correspondence confiscated, Mr. Aarrass announced in an open letter of 15 July 2013 that he was going on an indefinite hunger strike in protest at his treatment in prison. Mr. Aarrass was told by the prison director that he could make his life impossible, and was denied access to the courtyard, e-mail, telephone and the shower. On 25 July 2013, Mr. Aarrass reportedly intensified his hunger strike by refusing water, causing his health condition to deteriorate.[61] The Government responded to the joint communication sent by special procedures by a letter dated 4 September 2013, in which it gave a detailed overview of all the steps taken by the authorities in the case.[62] On 19 May 2014, during its fifty-second session, the Committee against Torture adopted a final decision on the case of Mr. Aarrass, in which it decided that Morocco was in violation of article 2, paragraph 1, and articles 11, 12, 13 and 15 of the Convention against Torture and Other, Cruel, Inhuman or Degrading Treatment or Punishment.[63]

3. Russian Federation

43. As noted in my previous report, [64] several United Nations human rights experts have expressed concern at the law on non-governmental organizations which carry functions of foreign agents", adopted in November 2012.[65] Particular concern was raised by the Committee against Torture at allegations of reprisals against the Anti-Discrimination Centre Memorial and the Public Verdict Foundation via that law. On 23 December 2013, the Committee expressed grave concern after a Russian court ordered Memorial to register as a "foreign agent", allegedly owing to its political activities and foreign funding.[66] Replies to letters by the special procedures and the Committee were received on 9 August 2013 and 19 February 2014 respectively. In them, the Government indicated that the "activities of Russian law enforcement authorities … are carried out in strict accordance with existing legal norms and have nothing to do with 'reprisals'", and that Russian legislation did not establish any legislative or administrative barriers restricting activities of non-commercial organizations. The Special Rapporteur on the situation of human rights defenders, in her report of 3 March 2014,[67] reiterated serious concern about the use of that law to target and intimidate human rights organizations which had engaged with the United Nations, its mechanisms and representatives in the field of human rights, in particular about the acts of reprisals against the Public Verdict Foundation and the Anti-Discrimination Centre Memorial.

4. Syrian Arab Republic

44. In my previous report reference was made to criminal charges brought against, and the incommunicado detention, torture and ill-treatment of, Mazen Darwish, Director of the Syrian Centre for Media and Freedom of Expression, and Hussein Hammad Ghrer, Hani Al-Zaitani, Abdelrahman Alhamade and Mansour Al-Omari.[68] Messrs. Alhamade and Al-Omari have reportedly been released pending trial, but Messrs. Darwish, Ghrer and Al-

[60] A/HRC/24/29, para. 27.
[61] A/HRC/25/74, case MAR 2/2013.
[62] Ibid.
[63] CAT/C/52/D/477/2011, annex, para. 11.
[64] A/HRC/24/29, paras. 29–31.
[65] A/HRC/26/21, case RUS 13/2013.
[66] OHCHR press release, 23 December 2013.
[67] A/HRC/25/55/Add.3, para. 364.
[68] A/HRC/24/29, paras. 33–34.

Zaitani remain in detention.[69] A reply from the Government to a joint communication sent by special procedures was received on 31 March 2014. It indicated that Messrs. Darwish, Ghrer and Al-Zaitani had been arrested on 16 February 2012 on the basis of suspicious activities and that, on 14 November 2012, they had been referred to the competent judicial authority.[70] On 14 January 2014, the Working Group on Arbitrary Detention issued opinion 43/2013, in which it declared the detention of Messrs. Darwish, Al-Zaitani and Ghrer arbitrary and called for their release.[71]

5. United Arab Emirates

45. As a follow-up to the UAE 94 case, relating to a group of 94 civil society activists calling for change in a peaceful manner in March 2013 who were subsequently arrested and detained, Waleed al-Shehhi, a member of the legal team of UAE 94 during their trial, was arrested on 11 May 2013 in relation to remarks made on social media about irregularities in the UAE 94 trial.[72] On 2 July 2013, 69 of the 94 defendants were sentenced to long prison sentences for plotting to overthrow the State and 25 were acquitted.[73] A reply to the joint communication sent by special procedures was received on 20 November 2013, in which the Government indicated that the allegations were highly inaccurate and misleading.[74] In opinion No. 60/2013, the Working Group on Arbitrary Detention found the detention of 61 individuals of UAE 94 arbitrary and called for their release.[75] Reportedly, following beatings by prison guards of Mohamed al-Mansoori, one of the UAE 94, 18 of the 69 individuals went on hunger strike between August 2013 and October 2013 to protest about their conditions of detention.[76]

6. Venezuela (Bolivarian Republic of)

46. Concern has been raised in my previous reports at the situation of Judge Maria Lourdes Afiuni.[77] In its latest report, the Working Group on Arbitrary Detention expressed concern at the continued detention under house arrest of Judge Afiuni, who was arrested in 2009 for ordering the conditional release of Eligio Cedeño, after the Working Group had declared his detention arbitrary in opinion No. 10/2009.[78] The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, in his report on observations and communications transmitted to Governments and replies received, stated that no investigation into the reports of torture of Judge Afiuni had taken place, and reiterated that the Government must ensure the investigation and prosecution of the alleged perpetrators.[79]

III. Conclusions and recommendations

47. I continue to receive allegations of reprisals and intimidation against individuals and groups cooperating with the United Nations, its representatives and mechanisms in the field of human rights, and against their families and legal

[69] A/HRC/25/74, case SYR 3/2013.
[70] Ibid.
[71] A/HRC/WGAD/2013/43, paras. 39–42.
[72] A/HRC/25/74, case ARE 5/2013.
[73] A/HRC/25/74, case ARE 4/2013.
[74] Ibid.
[75] A/HRC/WGAD/2013/60, paras. 26–28.
[76] A/HRC/25/74, case ARE 4/2013.
[77] A/HRC/24/29, paras. 46–48.
[78] A/HRC/27/48, para. 26.
[79] A/HRC/25/60/Add.2.

representatives. I remain deeply concerned about those acts, which range from threats, harassment, smear campaigns, fines, travel bans, the forced closure of organizations, arbitrary arrests, prosecution and lengthy prison sentences to torture and, sadly, death.

48. I reiterate my firm position that any act of intimidation or reprisal against individuals or groups, or anyone linked to them, for cooperating with the United Nations, its representatives and mechanisms in the field of human rights is unacceptable and must be stopped. We must collectively denounce reprisals, defend the right to cooperate freely with the United Nations and protect those targeted. I recall my speech at the Human Rights Council panel on the protection of civil society space: "the space for civil society is a reflection of an entire society's respect for human rights within its own borders and indeed around the globe".

49. I welcome steps taken to address cases of reprisal in a coherent and systematic manner at the national, regional and international levels, including through the adoption of Human Rights Council resolution 24/24. In that resolution, the Council reaffirmed the right of everyone to unhindered access to, and communication with, international bodies, and requested that a United Nations-wide senior focal point on issues related to reprisals be designated to engage with all stakeholders and encourage a prompt, effective and unified response. I echo the High Commissioner's statement at the opening of the twenty-fifth session of the Council and commend the fact that the Council adopted a forward-looking resolution on reprisals and ask for your support to ensure that it is followed through at the General Assembly.

50. It is primarily the obligation of States to protect those who cooperate with the United Nations, its representatives and mechanisms in the field of human rights and to ensure that they may do so safely and without hindrance. I call on States to take action at the national level:

(a) To prevent and refrain from all acts of intimidation or reprisal against individuals and groups who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights;

(b) To take all appropriate measures to prevent the occurrence of intimidation or reprisals, including, where necessary, by adopting and implementing specific legislation and policies, and by issuing appropriate guidance to national authorities in order to protect effectively those who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights from any act of intimidation or reprisal;

(c) To ensure accountability for any acts of intimidation or reprisal against those who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights by ensuring impartial, prompt and thorough investigations of any alleged acts of intimidation or reprisal in order to bring the perpetrators to justice; provide access to effective remedies for victims in accordance with the international human rights obligations and commitments of States; and prevent any recurrence;

(d) To consider the establishment of a national focal point to address acts of intimidation and reprisal against individuals and groups who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights;

(e) To provide information, as appropriate, to the Human Rights Council on all measures taken to prevent and address acts of intimidation or reprisal against those who seek to cooperate, cooperate or have cooperated with the United Nations, its

representatives and mechanisms in the field of human rights, including on cases mentioned in the present report.

51. **The United Nations Secretariat stands ready to provide technical support to efforts by Member States to implement the aforementioned recommendations, in particular recommendation 50 (d).**

52. **I also call on all parts of the United Nations, its representatives and mechanisms in the field of human rights:**

(a) To seek and facilitate engagement with all stakeholders, in particular States and civil society, in relation to acts of intimidation or reprisal against those who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights;

(b) To provide a coordinated and consistent response to all cases of intimidation and reprisal brought to the attention of the United Nations, its representatives and mechanisms in the field of human rights.

53. **I encourage all stakeholders, including international and regional organizations, Member States, national human rights institutions, civil society and academic institutions, to continue to contribute to the future consideration of this issue by the Human Rights Council and the United Nations as a whole.**